In the High Court of Judicature for Rajasthan
At
Jaipur Bench, Jaipur

O R D E R

In

S.B. Criminal Misc. Bail Application No.7208/2006
Madan Singh Vs. State of Rajasthan
&
S.B .Criminal Misc. Bail Application No.7207/2006
Raghunath Singh Vs. State of Rajasthan

Date Of Order :: 1st December, 2006

Hon'ble Mr. Justice Jitendra Ray Goyal

Mr. PRS Rajawat, counsel for petitioners.
Mr. R.P. Kuldeep, Public Prosecutor for State.

.....

Since these two anticipatory bail applications pertain to and arise out of the common FIR No.144/2006 registered at Police Station Keshavrai Patan, District Bundi for the offence under sections 307, 323, 324 & 326/34 IPC, hence they are being disposed of by this common order.

Heard learned counsel for accused petitioners, learned Public Prosecutor for the State, perused the case diary and other material produced during the course of arguments.

It is inter alia contended that the complainant party was the aggressor who with the intention to kill Sobhag Singh and the accused petitioner Raghunath caused serious injuries on the vital party of their body. It is also submitted that co-accused

Sobhag Singh sustained two fractures on his head which were opined by the doctor as dangerous to life. It is also submitted that the accused petitioner Raghunath also received five injuries and out of them two were fractures and another co-accused Prithvi Singh also sustained multiple fractures. It is also submitted that according to the FIR the allegation against the accused petitioner Madan Singh is only of throwing the stones and it is alleged that the accused petitioner Raghunath inflicted the 'Lathi' blow on the hand of Ramesh. It is also submitted that no injury on the body of any person of the complainant party was found to be dangerous to life.

Learned Public Prosecutor opposed the bail application and contended that both the accused petitioners actively participated in this incident.

Without making any observations on merits, having considered the rival submissions made at the bar, nature of accusation, material on record, all other facts and circumstances and also keeping in view that cross FIR has also been lodged under section 307 IPC wherein the accused petitioner Raghunath Singh also received many injuries including two fractures, co-accused Sobhag Singh who is father of Raghunath Singh also received two fractures on his head which were opined by the doctor as dangerous to life and main allegation of inflicting the injury by sword is against co-accused Sobhag Singh

who has been arrested and already enlarged on bail, I deem it proper to grant the benefit of pre-arrest bail to accused petitioners Madan Singh and Raghunath Singh.

In the result, both the bail applications are allowed and it is directed that in the event of arrest of petitioners Madan Singh S/o. Shiv Singh and Raghunath Singh S/o. Sobhag Singh, they shall be released on bail by the concerned SHO/Investigating Officer in FIR No.144/2006 registered at Police Station Keshavrai Patan, District Bundi provided each of them furnishes a personal bond in the sum of Rs.10,000/- together with two sureties each in the sum of Rs.5,000/- to the satisfaction of the concerned SHO/Investigating Officer on the following conditions :-

1. that they shall make themselves available for interrogation by a police officer as and when required;
2. that they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or any police officer; and
3. that they shall not leave India without previous permission of the Court.

(J.R. Goyal),J

VS Shekhawat/-
Jr. P.A.